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Attorneys for Defendant Wal-mart Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

11 FABIOLA FRAGOSO, individually,

Case No.: 2:22-cv-01507-CDS-EJY

12 Plaintiff

STIPULATION AND ORDER TO
EXTEND DEADLINES TO FILE
AND SERVE DEFENDANT'S
REPLY TO PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT

13 vs.

[ECF No. 56]

14 WAL-MART, INC., a foreign corporation; DOE
15 EMPLOYEES; DOE MANAGERS; DOES I-XX,
16 inclusive; and ROE CORPORATIONS I-XX,
inclusive,

17 Defendant

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 20 Plaintiff Fabiola Fragoso and Defendant WALMART, INC. by and through their respective
 21 counsel of record, BLACKBURN WIRTH, LLP and HALL & EVANS, LLC, hereby submit their
 22 Stipulation and Order to Extend Deadlines to File and Serve Defendants' Reply to Plaintiffs'
 23 Opposition to Defendant's Motion For Summary Judgment, [ECF No. 49], filed August 14, 2024,
 24 pursuant to LR IA 6-1. This is the first stipulation for extension of deadlines related to Defendant's
 25 Motion for Summary Judgment. [ECF No. 48].
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PROCEDURAL HISTORY

This lawsuit involves allegations that Plaintiff FABIOLA FRAGOSO (hereinafter “FRAGOSO”) suffered serious injuries related to a slip and fall on Defendant’s premises. On June 30, 2022, Plaintiff filed her Complaint against Defendant WAL-MART, INC. with the Eighth Judicial District Court for Clark County, Nevada. On September 31, 2022, Defendant WAL-MART, INC. filed its Answer denying Plaintiffs’ allegations and denying all liability for the claimed injuries. On September 8, 2022, Plaintiff filed her Request for Exemption from Arbitration in which she outlined her claimed injuries and alleged damages. On September 12, 2022, Defendant WAL-MART, INC. filed its Notice of Removal and removed the matter to this Court based on diversity jurisdiction. Defendant filed its Motion for Summary Judgment on July 31, 2024 [ECF No. 48]. Plaintiff filed her Opposition to Defendant’s Motion for Summary Judgment on August 14, 2024, along with a Countermotion for Summary Judgment. [ECF No. 49]. On August 15, 2024, Plaintiff’s Counsel was advised by this Court to re-file Plaintiff’s Countermotion for Summary Judgment as a separate document, rather than attaching it to her Opposition to Defendant’s Motion for Summary Judgment in compliance with LR IC 2-2(b). Plaintiff separately filed her Countermotion for Summary Judgment on August 19, 2024. [ECF No. 53]. This Court set a deadline of September 9, 2024 for Defendant to file an Opposition to Plaintiff’s Countermotion for Summary Judgment.

BASIS FOR REQUEST

The Parties aver that good cause exists to extend the existing briefing deadlines for Defendant's Reply to Plaintiff's Opposition to its Motion for Summary Judgment because Plaintiff's Opposition also included a Counter motion for Summary Judgment, which was ordered to be filed separately by this Court. Accordingly, on August 19, 2024, Plaintiff refiled her Counter motion separately. The Court then set a deadline of September 9, 2024 to respond to said Motion. As such, the Parties believed that deadline applied to both Defendant's deadline to Reply to Plaintiff's Opposition and to file its own response to Plaintiff's Counter motion. Further, the Parties discussed the mistake and agree that the issues are so intertwined that it makes sense to file both briefs on the same day. Accordingly, the parties have agreed to extend the deadline for Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment as follows:

1 - Defendant's deadline to file and serve a Reply to Plaintiff's Opposition to its Motion for
 2 Summary Judgment:

- 3 • Existing deadline: Tuesday, August 21, 2024
 4 • **Proposed deadline: Tuesday, September 9, 2024**

5 DATED this 26th day of August, 2024.

Dated this 26th day of August, 2024.

6 **BLACKBURN WIRTH, LLP**

7 /s/ Tyler A. Bixby
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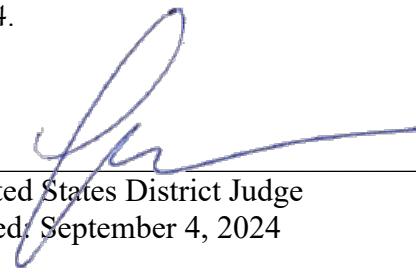
13 Submitted by:

14 HALL & EVANS, LLC

15 /s/ Kurt R. Bonds
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 22 *Attorneys for Defendant Walmart, Inc.*

ORDER

The parties' stipulation is granted, nunc pro tunc to August 27, 2024. Walmart's deadline to file and serve a reply is extended to September 9, 2024.


 United States District Judge
 Dated: September 4, 2024

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